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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/612,766	07/10/2000	James L. Hepworth	23802-250800	8887

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EXAMINER
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LY, ANH

ART UNIT	PAPER NUMBER
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2172

DATE MAILED: 06/10/2004

16

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/612,766

Applicant(s)

HEPWORTH ET AL.

Examiner

Anh Ly

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                                        |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                            | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

## **DETAILED ACTION**

### ***Request Continued Examination***

1. The request filed on 05/13/2004 for a Request for Continued Examination (RCE) under 37 CFR 1.114 based on parent Application No. 09/612,766 is acceptable and a RCE has been established. An action on the RCE follows.
2. Claims 21-27 are added (Page #15 dated 05/13/2004).
3. Claims 1-27 are pending in this application.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1-4, 6-9, 11-15, 17, 19, 23 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,009,459 issued to Belfiore et al. (hereinafter Belfiore) in view of US Patent No. 6,631,357 issued to Perkowski and further in view of US Patent No. 5,999,940 issued to Ranger.

With respect to claim 1, Belfiore discloses automatically creating a search string including the at least one trademark, tradename, celebrity name, and famous name based on the at least one trademark, tradename, celebrity name, and famous name entered by the user (the search string is automatically created when a user enters text that cannot interpreted a URL of a web page, that is, web browser automatically formats a search query using user-entered text and forward the query to an Internet search engines, which located web pages containing the query term or search string such as trademark or company name and return a list of search results; col. 3, lines 60-67, col. 4, lines 1-8; also see abstract);

receiving a URL address of Web page on the Internet to be searched (after the searching, the search engine locates the URL addresses of web pages on the Internet: col. 5, lines 40-50); accessing and searching contents of the Web page of the URL

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address received for matches in the contents of the web page corresponding to the search string wherein the searched contents includes elements other than only a domain name (the content of web page is located by search engine, and the content of web page is displayed, web page is typically encoded in HTML and most HTML document is identified by a tag or meta tag that gives the elements names and attributes, followed by a content, followed by an end tag. When the search string is found a matched web page is retrieved by a server and or a HTML document is returned, that is, the searched content is including text, URL, HTML: col. 5, lines 40-55);

and providing search results of identified matches in the contents of Web page corresponding to the search string, providing search results of identified matches in the contents of the Web page corresponding to the search string, each category including at least one character string corresponding to a number of occurrences of the identified matches within the category, the category selected from the group consisting of a meta-tag, a hidden text, a text, a title, a hyperlink, and an image text, and wherein the report displays the at least one character string (the search results are displayed as the entered-text is matched based on the search string, that is, entered text or search string retrieved from a search engine from which search results or given web pages are obtained and displayed to the user; col. 5, lines 10-30).

Belfiore discloses automatically creating searching, receiving URL and accessing and providing search result and category the user-entered text (col. 7, lines 52-65).

Belfiore does not explicitly teach entering, by a user, the at least one trademark, tradename, celebrity name, and famous name to be searched in the Web page on the

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Internet. Perkowski discloses searching the registered product's trademark or servicemark, the user of the system enters the product's trademark or company name into the dialog box of the Internet browser or Internet application tool: col. 15, lines 5-14 and see figs. 3B, 4B, 5B and 6B). In combination Belfiore and Perkowski do not teach wherein the search results are extracted from the Web page, categorized, and formatted in a report.

However, Ranger teaches the contents of result or hit based on search criteria are categorized and produced a formatted representing the data source or parameters to be input (col. 13, lines 54-62 and col. 11, lines 18-25).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Belfiore in view of Perkowski with the teachings of Ranger so as to have search results from the contents of web page to be categorized and formatted based on each category or classification of the contents or criteria. The motivation being to search the URLs of web pages with search engine via user interface from which the user enters the text or search string including the trademark or company name in order to get the desired web pages of registered product's trademark or company name, and performing a search based on the determining of the entered text (Belfiore – col. 2, lines 35-67), and displaying the search results with the search terms being highlighted (Belfiore – col. 4, lines 8-60).

With respect to claim 2, Belfiore in view of Perkowski discloses a method of searching and reporting as discussed in claim 1.

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Belfiore discloses automatically creating searching, receiving URL and accessing and providing search result and category the user-entered text (col. 7, lines 52-65).

Belfiore does not explicitly teach entering, by a user, the at least one trademark, tradename, celebrity name, and famous name to be searched in the Web page on the Internet. Perkowski discloses searching the registered product's trademark or servicemark, the user of the system enters the product's trademark or company name into the dialog box of the Internet browser or Internet application tool: col. 15, lines 5-14 and see figs. 3B, 4B, 5B and 6B). In combination Belfiore and Perkowski do not teach wherein the at least one character string is a number of the identifying matches within the category.

However, Ranger teaches the contents of result or hit based on search criteria are categorized and produced a formatted representing the data source or parameters to be input (col. 13, lines 54-62 and col. 11, lines 18-25).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Belfiore in view of Perkowski with the teachings of Ranger so as to have search results from the contents of web page to be categorized and formatted based on each category or classification of the contents or criteria. The motivation being to search the URLs of web pages with search engine via user interface from which the user enters the text or search string including the trademark or company name in order to get the desired web pages of registered product's trademark or company name, and performing a search based on

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the determining of the entered text (Belfiore – col. 2, lines 35-67), and displaying the search results with the search terms being highlighted (Belfiore – col. 4, lines 8-60).

With respect to claim 3, Belfiore discloses an encrypted connection authenticated by a certificate server (to secure for sending the message: server with a search engines generates a script that is executed when a hyperlink is selected; col. 36-50 and col. 8, lines 1-27).

With respect to claim 4, Belfiore discloses wherein the search results highlight the at least one trademark, tradename, celebrity name or famous name found in the web page (to secure for sending the message: server with a search engines generates a script that is executed when a hyperlink is selected; col. 36-50 and col. 8, lines 1-27).

Claim 6 is essentially the same as claim 1 except that it is directed to a system for searching and reporting an incidence rather than a method, and is rejected for the same reason as applied to the claim 1 hereinabove.

Claim 7 is essentially the same as claim 2 except that it is directed to a system for searching and reporting an incidence rather than a method, and is rejected for the same reason as applied to the claim 2 hereinabove.

Claim 8 is essentially the same as claim 3 except that it is directed to a system for searching and reporting an incidence rather than a method, and is rejected for the same reason as applied to the claim 3 hereinabove.

Claim 9 is essentially the same as claim 4 except that it is directed to a system for searching and reporting an incidence rather than a method, and is rejected for the same reason as applied to the claim 4 hereinabove.



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With respect to claim 11, Belfiore discloses a remote computer system connected to the computer system via the Internet for accessing the software program (server computer, client computer and web Browser: see fig. 3 and col. 4, lines 41-60).

Claim 12 is essentially the same as claim 1 except that it is directed to a software program for searching and reporting an incidence rather than a method, and is rejected for the same reason as applied to the claim 1 hereinabove.

Claim 13 is essentially the same as claim 2 except that it is directed to a software program for searching and reporting an incidence rather than a method, and is rejected for the same reason as applied to the claim 2 hereinabove.

Claim 14 is essentially the same as claim 3 except that it is directed to a software program for searching and reporting an incidence rather than a method, and is rejected for the same reason as applied to the claim 3 hereinabove.

Claim 15 is essentially the same as claim 4 except that it is directed to a software program for searching and reporting an incidence rather than a method, and is rejected for the same reason as applied to the claim 4 hereinabove.

With respect to claim 17, Belfiore discloses wherein the search contents includes at least two of the following portions of the Web page: a domain name, a meta tag, hidden text, visible text, titles and images (HTML document or meta tag of HTML and hyperlinks: see fig. 9 and col. 7, lines 6-50).

With respect to claim 19, Belfiore discloses wherein the search contents includes at least two of the following portions of the Web page: a domain name, a meta tag,

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hidden text, visible text, titles and images (HTML document or meta tag of HTML and hyperlinks: see fig. 9 and col. 7, lines 6-50).

With respect to claim 23, Belfiore teaches wherein the report displays the at least one character string in a column format for at least one of the meta-tag, the hidden text, the text, the title, the hyperlink, and the image text (displaying the search results in the report as a text file, or HTML: col. 5, lines 6-59; also see abstract).

Claim 26 is essentially the same as claim 23 except that it is directed to a system for searching and reporting an incidence rather than a method, and is rejected for the same reason as applied to the claim 21 hereinabove.

7. Claims 5, 10, 16, 18, 20, 21, 22, 24, 25 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,009,459 issued to Belfiore et al. (hereinafter Belfiore) in view of US Patent No. 6,631,357 issued to Perkowski, and further in view of in view of US Patent No. 5,999,940 issued to Ranger and in view of US Patent No. 6,422,523 issued to Siegel.

With respect to claim 5, Belfiore discloses Belfiore discloses automatically creating a search string including the at least one trademark, tradename, celebrity name, and famous name based on the at least one trademark, tradename, celebrity name, and famous name entered by the user (the search string is automatically created when a user enters text that cannot interpreted a URL of a web page, that is, web

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browser automatically formats a search query using user-entered text and forward the query to an Internet search engines, which located web pages containing the query term or search string such as trademark or company name and return a list of search results; col. 3, lines 60-67, col. 4, lines 1-8; also see abstract);

receiving a URL address of Web page on the Internet to be searched (after the searching, the search engine locates the URL addresses of web pages on the Internet: col. 5, lines 40-50); accessing and searching contents of the Web page of the URL address received for matches in the contents of the web page corresponding to the search string wherein the searched contents includes elements other than only a domain name (the content of web page is located by search engine, and the content of web page is displayed, web page is typically encoded in HTML and most HTML document is identified by a tag or meta tag that gives the elements names and attributes, followed by a content, followed by an end tag. When the search string is found a matched web page is retrieved by a server and or a HTML document is returned, that is, the searched content is including text, URL, HTML: col. 5, lines 40-55);

and providing search results of identified matches in the contents of the Web page corresponding to the search, providing search results of identified matches in the contents of the Web page corresponding to the search string, each category including at least one character string corresponding to a number of occurrences of the identified matches within the category, the category selected from the group consisting of a meta-tag, a hidden text, a text, a title, a hyperlink, and an image text, and wherein the report displays the at least one character string (the search results are displayed as the

entered-text is matched based on the search string, that is, entered text or search string retrieved from a search engine from which search results or given web pages are obtained and displayed to the user; col. 5, lines 10-30).

Belfiore discloses automatically creating searching, receiving URL and accessing and providing search results. Belfiore does not explicitly teach entering, by a user, the at least one trademark, tradename, celebrity name, and famous name to be searched in the Web page on the Internet. Perkowski discloses searching the registered product's trademark or servicemark, the user of the system enters the product's trademark or company name into the dialog box of the Internet browser or Internet application tool: col. 15, lines 5-14 and see figs. 3B, 4B, 5B and 6B). In combination, Belfiore and Perkowski do not detach automatically creating homonyms and phonetic equivalents of the at least one trademark, tradename, celebrity name, and famous name entered by the user.

Belfiore discloses automatically creating searching, receiving URL and accessing and providing search result and category the user-entered text (col. 7, lines 52-65). Belfiore does not explicitly teach entering, by a user, the at least one trademark, tradename, celebrity name, and famous name to be searched in the Web page on the Internet. Perkowski discloses searching the registered product's trademark or servicemark, the user of the system enters the product's trademark or company name into the dialog box of the Internet browser or Internet application tool: col. 15, lines 5-14 and see figs. 3B, 4B, 5B and 6B). Siegel discloses talking database and dictionary database including a plurality of words and distribution of the sounds of them (col. 11,

lines 38-67 and col. 12, lines 1-9 and lines 47-50; also see col. 7, lines 58-62). In combination Belfiore, Perkowski and Siegel do not teach wherein the at least one character string is a number of the identifying matches within the category.

However, Ranger teaches the contents of result or hit based on search criteria are categorized and produced a formatted representing the data source or parameters to be input (col. 13, lines 54-62 and col. 11, lines 18-25).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Belfiore in view of Perkowski and Siegel with the teachings of Ranger so as to have search results from the contents of web page to be categorized and formatted based on each category or classification of the contents or criteria. The motivation being to search the URLs of web pages with search engine via user interface from which the user enters the text or search string including the trademark or company name in order to get the desired web pages of registered product's trademark or company name, and performing a search based on the determining of the entered text (Belfiore – col. 2, lines 35-67), and displaying the search results with the search terms being highlighted (Belfiore – col. 4, lines 8-60).

Claim 10 is essentially the same as claim 5 except that it is directed to a system for searching and reporting an incidence rather than a method, and is rejected for the same reason as applied to the claim 5 hereinabove.

Claim 16 is essentially the same as claim 5 except that it is directed to a software program for searching and reporting an incidence rather than a method, and is rejected for the same reason as applied to the claim 5 hereinabove.

With respect to claim 18, Belfiore discloses wherein the search contents includes at least two of the following portions of the Web page: a domain name, a meta tag, hidden text, visible text, titles and images (HTML document or meta tag of HTML and hyperlinks: see fig. 9 and col. 7, lines 6-50).

With respect to claim 20, Belfiore discloses wherein the search contents includes at least two of the following portions of the Web page: a domain name, a meta tag, hidden text, visible text, titles and images (HTML document or meta tag of HTML and hyperlinks: see fig. 9 and col. 7, lines 6-50).

With respect to claim 21, Belfiore in view of Perkowski and Siegel discloses a method of searching and reporting as discussed in claim 5.

Belfiore discloses automatically creating searching, receiving URL and accessing and providing search results. Belfiore does not explicitly teach entering, by a user, the at least one trademark, tradename, celebrity name, and famous name to be searched in the Web page on the Internet. Perkowski discloses searching the registered product's trademark or servicemark, the user of the system enters the product's trademark or company name into the dialog box of the Internet browser or Internet application tool: col. 15, lines 5-14 and see figs. 3B, 4B, 5B and 6B). In combination, Belfiore and Perkowski do not detach automatically creating homonyms and phonetic equivalents of

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the at least one trademark, tradename, celebrity name, and famous name entered by the user.

Belfiore discloses automatically creating searching, receiving URL and accessing and providing search result and category the user-entered text (col. 7, lines 52-65).

Belfiore does not explicitly teach entering, by a user, the at least one trademark, tradename, celebrity name, and famous name to be searched in the Web page on the Internet. Perkowski discloses searching the registered product's trademark or servicemark, the user of the system enters the product's trademark or company name into the dialog box of the Internet browser or Internet application tool: col. 15, lines 5-14 and see figs. 3B, 4B, 5B and 6B). Siegel discloses talking database and dictionary database including a plurality of words and distribution of the sounds of them (col. 11, lines 38-67 and col. 12, lines 1-9 and lines 47-50; also see col. 7, lines 58-62). In combination Belfiore, Perkowski and Siegel do not teach wherein the at least one character string is a number of the identifying matches within the category.

However, Ranger teaches the contents of result or hit based on search criteria are categorized and produced a formatted representing the data source or parameters to be input (col. 13, lines 54-62 and col. 11, lines 18-25).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Belfiore in view of Perkowski and Siegel with the teachings of Ranger so as to have search results from the contents of web page to be categorized and formatted based on each category or classification of the contents or criteria. The motivation being to search the URLs of

web pages with search engine via user interface from which the user enters the text or search string including the trademark or company name in order to get the desired web pages of registered product's trademark or company name, and performing a search based on the determining of the entered text (Belfiore – col. 2, lines 35-67), and displaying the search results with the search terms being highlighted (Belfiore – col. 4, lines 8-60).

Claim 22 is essentially the same as claim 21 except that it is directed to a system for searching and reporting an incidence rather than a method, and is rejected for the same reason as applied to the claim 21 hereinabove.

With respect to claim 24, Belfiore teaches wherein the report displays the at least one character string in a column format for at least one of the meta-tag, the hidden text, the text, the title, the hyperlink, and the image text (displaying the search results in the report as a text file, or HTML: col. 5, lines 6-59; also see abstract).

Claim 25 is essentially the same as claim 24 except that it is directed to a system for searching and reporting an incidence rather than a method, and is rejected for the same reason as applied to the claim 21 hereinabove.

Claim 27 is essentially the same as claim 21 except that it is directed to a system for searching and reporting an incidence rather than a method, and is rejected for the same reason as applied to the claim 21 hereinabove.



**Contact Information**

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anh Ly whose telephone number is 703 306-4527 or via E-Mail: [ANH.LY@USPTO.GOV](mailto:ANH.LY@USPTO.GOV). The examiner can normally be reached on 7:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene, can be reached on 703 305-9790. The fax phone number for the organization where this application or proceeding is assigned is 703 746-7239.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231


or faxed to: Central Fax Center (703) 872-9306

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Fourth Floor (receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308-6606 or 703 305-3900.



JEAN M. CORRIELUS  
PRIMARY EXAMINER

ANH LY   
JUN. 3<sup>rd</sup>, 2004